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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,652	01/13/2004	Blake Cumbers	087620.000010	3926
29747	7590	04/10/2007		
GREENBERG TRAUIG 3773 HOWARD HUGHES PARKWAY SUITE 500 NORTH LAS VEGAS, NV 89169			EXAMINER SAGER, MARK ALAN	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/757,652

EXAMINER
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ART UNIT	PAPER
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3712

03152007

DATE MAILED:

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Commissioner for Patents

Applicant is notified that no additional time is granted with this notice of non-responsive amendment such that time period to respond to prior office action continues from its date of mailing. The office has determined that the reply rec'd Feb 2, 2007 is a bona-fide attempt to respond to prior office action but it contains a serious omission, as per MPEP 714.03, for failing to respond to all rejections to include presenting arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references per 37 CFR 1.111. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of 37 CFR 1.111. In this case, the cited reply presents a general allegation of patentability and no arguments regarding either error of judicially created obviousness double patenting holding or specifically pointing out how the language of the claims patentably distinguishes over applied references (parent and grand-parent patents) in judicially created double patenting holding or submission of a terminal disclaimer. It is especially evident as to applicability of judicially created double patenting holding when the feature of creating a new data file when biometric data is not verified is feature upon which parent & grand-parent patents cited in holdings were allowed, but yet no remark was presented by Applicant.

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action and since there is sufficient time remaining for applicant's reply to be filed within the time period for reply to the non-final Office action (or within any extension pursuant to 37 CFR 1.136(a)), applicant is notified that the omission must be supplied within the time period for reply (no additional time from prior action is granted). However, Applicant may extend prior time period pursuant to 37 CFR 1.136(a).

BEST AVAILABLE COPY

M. A. Sager  
Primary Examiner  
Art Unit: 3712